PRE-APPEAL BRIEF REQUEST FOR REVIEW	Docket Number
	Q66695

Mail Stop AF Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450	Application Number	Filed
	10/014,602	December 14, 2001
	First Named Inventor	
	Oran UZRAD-NALI	
	Art Unit	Examiner
	2143	David E. England

WASHINGTON OFFICE

23373

CUSTOMER NUMBER

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal

The review is requested for the reasons(s) stated on the attached sheet(s).
    Note: No more than five (5) pages may be provided.

☑ I am an attorney or agent of record.

    Registration number   43,355

Chid S Iyer

Signature

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Typed or printed name

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October 18, 2006

Date

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Oran UZRAD-NALI, et al.

Appln. No.: 10/014,602

Confirmation No.: 2020

Filed: December 14, 2001

Docket No: Q66695

Group Art Unit: 2143

Examiner: David E. England

For: A SYSTEM AND METHOD FOR EFFICIENT HANDLING OF NETWORK DATA

PRE-APPEAL BRIEF REQUEST FOR REVIEW

MAIL STOP AF - PATENTS
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Pursuant to the new Pre-Appeal Brief Conference Pilot Program, and further to the

Examiner's Office Action dated July 18, 2006, Applicants file this Pre-Appeal Brief Request for

Review. This Request is also accompanied by the filing of a Notice of Appeal.

Applicants turn now to the rejections at issue:

Claims 1–5, 7–9, 19–24, 28, 29, 37, 44–49, 51, 53–56, 78 and 79

Claims 1–5, 7–9, 19–24, 28, 29, 37, 44–49, 51, 53–56, 78 and 79 are rejected as being

anticipated by Roach et al. in U.S. Patent No. 6,314,100 (hereinafter "Roach"). Applicants

respectfully traverse.

Roach discloses Fiber Channel networks that completely different from generic

networking schemes including Ethernet. In such Fiber Channels, network data is physically

moved using frames. Specifically, as described in col. 6, ll. 34-35 of Roach, the information

related to the frame is placed in the header. In the Fiber Channel of Roach, a Sequence

procedure is used to organize the frames. On the other hand, in Ethernet and other packet based

networks upper level protocol (ULP) protocol data unit (PDU) is used. It is well-known that

such an assembly of Frames into Sequences is significantly simpler than assembly of other

networks packets into ULP PDU constructs.

In the system disclosed by Roach, when unordered frames are received, the system is

required to intervene to resolve the order. As shown in steps 520 and 522 of Fig. 5 of Roach, if a

Frame is not the one expected in a sequence, it is sent to the host along with a message that

interrupts the host. The host then puts together the Frames into a stream. Clearly such a system

does not have a streamer that is necessary to cause an ordered stream of bytes.

On the other hand, the present invention hands off a clean and ordered byte stream to the

host. Such a stream includes ULP PDU delineation. Importantly, such a clean stream is handed

off whether or not packets were received in order or not.

Further, a Fiber Channel as disclosed by Roach has a different topology from a packet

network topology due to the fact that Fiber Channel does not deal with data collisions.

Roach does not disclose a packet based network system due to the frame based operation

of Fiber Channel systems and the limitation. This is shown clearly with respect to Fig. 5 of

Roach, where the operation is terminated merely because of an out-of-sequence frame. Such a

termination cannot be tolerated in a system handling packets and particularly in network systems

were packets may arrive in an out-of-order sequence. On the other hand, the data streamer of the

present invention is configured to provide the data stream without interruptions to the host because of such problems.

Moreover, nothing in Roach teaches that data is not moved between locations. The Examiner refers to column 7 lines 37-67 where the use of buffers with available space is specifically mentioned. A skilled artisan will know that buffers are used to temporarily store data. In other words, in Roach data is moved to a temporary storage location prior to being moved to a permanent location. By contrast, this is not required according to the present invention. The present invention uses an elaborate queue and pointer system to avoid having to move data from one location to another.

The Examiners reliance on col. 6, l. 35 - col. 7. 1-25 is also misplaced. In ¶ 14 of the Office Action dated July 18, 2006, the Examiner refers to the teaching in the above passages related to pointers and **storage of data on a buffer** with available space. However, as noted above such a buffer is used as a temporary storage location, thereby implying that in Roach data is moved between locations.

Claims 44 and 78 include limitations analogous to claim 1 and should be allowable at least for analogous reasons.

Claims 2–5, 7–9, 19–24, 28, 29, 37, 44–49, 51, 53–56, and 79 are dependent on claims 1, 44 and 78 and should be allowable for the same reasons.

Claims 6, 18, 50 and 77

Claims 6, 18, 50 and 77 are rejected under section 103(a) as being unpatentable over Roach in view of Starr et al. in US patent 6,807,581 (hereinafter "Starr").

Claim 77 includes limitations analogous to claim 1. Therefore it should be allowable for the same reasons. Claims 6, 18 and 50 are dependent on claims 1 and 44 and should be allowable for the same reasons.

Moreover Starr does not overcome the deficiencies noted above in the teachings of Roach.

Claims 3–36, 38-43 and 60-76

Claims 30-36, 38-43, and 60-76 are rejected under section 103 (a) as being unpatentable over Roach in view of Fishler et al. in U.S. Patent No. 5,954,794 (hereinafter "Fishler").

Claim 76 includes limitations analogous to claim 1. Therefore it should be allowable for the same reasons. Claims 30-36, 38-43, and 60-75 are dependent on claims 1 and 44 and should be allowable for the same reasons.

Moreover, Fishler does not overcome the deficiencies noted above in the teachings of Roach.

Claims 20, 27, 52 and 59

Claims 20, 27, 52 and 59 are rejected under section 103 (a) as being unpatentable over Roach in view of Muller et al. in US patent 6,452,360 (hereinafter "Muller").

Claim 76 includes limitations analogous to claim 1. Therefore it should be allowable for the same reasons. Claims 30-36, 38-43, and 60-75 are dependent on claims 1 and 44 and should be allowable for the same reasons.

Moreover, Muller does not overcome the deficiencies noted above in the teachings of Roach.

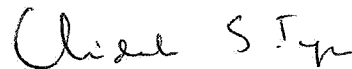*Section 112 rejection of claims 3, 6, 76 and 77*

In relation to claim 3, the Examiner is believed to be misconstruing the disclosure in [0071] of the present Specification. In the present invention, after the initial configuration of the system, the system is capable of operating without intervention of the host computer, i.e., between any nodes of the network. As shown in Figs. 2 and 3 data is moved between two networked storage devices 320 through data streamer 200 without any intervention from the host 310.

Regarding claim 76, the Applicants respectfully submit that a skilled artisan reading the Specification would know that the techniques disclosed can be used in the memory associated with the intelligent network interface card.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

Respectfully submitted,

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